

REMARKS/ARGUMENTS

Status

No claim has been canceled and claims 16-20 have been added by the proposed amendment. Independent claim 3, 9 and 16 with dependent claims depending therefrom would remain for further consideration.

More Clearly Defined

The claims in this application have been proposed to voluntarily further clarify Applicant's unique invention. Applicant maintains that the claims as filed were patentable over the art of record. However, to expedite issuance of this application, reconsideration of the claims in light of the amendments and for the following reasons is respectfully requested.

Claim History

The Examiner rejected claims 4 and 10-12 under 37 CFR 1.75(c), as failing to further limit the subject of a previous claim. The Examiner rejected claims 3-8 and 9-15 under 35 U.S.C. § 112, second paragraph, as being indefinite. The Examiner rejected claims 3, 9-10, 14, and 15 under 35 U.S.C. § 102(e) or 103(a) as being anticipated by Kaplan. The Examiner rejected claims 5-8, 11-13 under 35 U.S.C. § 103 over Kaplan. The Examiner rejected claims 3-8 under 35 U.S.C. § 103 over Smith.

Claims Objected To

The Examiner rejected claims 4 and 10-12 under 37 CFR 1.75(c), as failing to further limit the subject of a previous claim. The Applicant respectfully traverses this objection. The Examiner stated that in claim 4 “broadcasting [which] is carried out on television ... is improper because television does not further limit on-line site.” The claim is not drawn to an “on-line site” but to a method of raising capital. Broadcasting the bounty on television does limit the method by requiring that the bounty must also be broadcast on television. Even if television is considered to be a form on “on-line” broadcasting, it certainly has a different scope than “on-line broadcasting” and is therefore properly limiting.

As to claims 10-12, while claim 9 requires the broadcasting of a bounty offering, broadcasting multiple offerings in claims 10-12 does not contradict claim 9. The use of the word “a” has been interpreted to not exclude multiple instances, unless the specification or file history shows that the use was limited to its singular use. See for instance KCJ Corp. v. Kinetic Concepts, Inc., 223 F.3d 1351, 1356 (Fed. Cir. 2000) (“The word ‘a’ generally means ‘one or more’ in open-ended claims containing the transitional phrase ‘comprising.’”) Therefore, claims 10-12 properly limit the claim.

35 U.S.C. § 112

The Examiner rejected claims 3-8 and 9-15 under 35 U.S.C. § 112, first and second paragraph, as being indefinite. The step of “donation of the reward by the beneficiary to the charity organization or research funds” is not critical to the method of “raising capital.” It may be wise in practice to donate the money or further research fellows will no longer trust the site, however, at many periods in time prior to a disease being cured or an event taking

place, the site will have raised money without the money having been paid out yet. Therefore, this limitation does not have to appear in the claims. However, claims 3 and 9 and new claim 16 now specify that a party is paid out of the reward.

As to the question of how the capital is raised, the reward offered by the benefactor is at least one way of raising capital. Claim 3 also now requires that the bounty is broadcast to viewers who can then contribute capital to the bounty. Claim 9 recites "paying incentives to the viewers other than the at least one benefactor who contribute to the reward offered by the at least one benefactor." Claim 16 recites "paying the reward upon the completion of the condition by one of the plurality of actors; wherein the actor is not the beneficiary," which is a method of raising capital for the benefactor.

As to "a method of raising capital" re 112, second paragraph, see above.

As to "registering and broadcasting" a bounty, it is clear that the "on-line" site is "for" registering and broadcasting, and therefore the on-line site is the registrar and broadcaster or the site as is well known in the art that you can register at a website, and since the website is available on-line, it is "broadcasting" whatever is on the website. The registrant is clearly whoever desires to register the bounty offering, and it could be any party.

As to where the reward goes, the reward may be held in escrow indefinitely if the condition is not met, and therefore does not need to be specified in the claim. However, the claim now requires that the reward be paid to a designated party in claim 3.

Claim 8 has been amended and paragraph (4) should be moot.

Claims 11, 12, and 13 have been amended to correct the errors enumerated by the Examiner.

Claim 13 has been amended to depend from claim 10, which should obviate this ground for rejection regarding "said plurality of bounty offerings."

35 U.S.C. § 102/§ 103

The Examiner rejected claims 3, 9-10, 14, and 15 under 35 U.S.C. § 102(e) or 103(a) as being anticipated by Kaplan. This rejection is respectfully traversed. The Examiner rejected claims 5-8, 11-13 under 35 U.S.C. § 103 over Kaplan. The Examiner rejected claims 3-8 under 35 U.S.C. § 103 over Smith. This rejection is respectfully traversed.

The present invention is to a method of aggregating capital to the point where a separate, and possibly unknown, group will be encouraged to invest the time and/or capital necessary to solve a previously unsolvable problem. The method encourages the free market system to encourage ANY other group to solve the problem, rather than the current method of gambling that the group selected will make the necessary break through. Additionally, the present method is a way of providing an entertaining system that encourages other viewers to take a vested interest in the outcome of the bounty by contributing money to the bounty. It is this group's raising of money that will allow sufficient funds to draw in enough funds to encourage other groups to risk the investment to solve the problem.

By contrast, the Kaplan merely shows the ability to post a problem and allocate funds to those who solve the problem. This is merely an open purchase order with an unnamed vendor. There are no other groups involved except for the buyer and the providers. Unlike the present invention, it does not use the on-line site or a television broadcast to encourage additional participants to contribute towards the bounty.

Claim 3 as amended requires that the bounty is broadcast to a plurality of viewers who then contribute to the bounty ("reward") to be paid to the actor. Claim 9 also requires paying an incentive to the plurality of viewers who contribute to the bounty. This is not shown nor taught by Kaplan who shows only one benefactor. Since the viewers are different parties than the benefactor and are not merely the original contributor, this is not merely reducing the amount of giving per person, but is critical to the ability of the method to encourage more people to contribute. At best, multiple original benefactors would reduce the amount of giving per person. Figure 4A only has one benefactor, namely the World Think, it merely gives more money for each answer, it does not "raise" more money. Additionally, there is nothing to suggest that it encourage others to contribute money as well to the solver of the problem. See also claims 11-13.

As to claims 5 and 10, paragraphs 0042 and 0220 talk about solving "a problem" by multiple parties simultaneously. It does not suggest that more than one bounty can be broadcast simultaneously. Broadcasting more than one bounty simultaneously leads to competition and encourages viewers to take sides. It is not merely a duplication of parts.

As to the Examiner's use of the phrase "this is non-essential to the scope of the claimed invention" in the rejection of many of the claims, the Applicant respectfully objects to this phraseology. Elements that are "essential" to the function an invention would need to be in the independent claim. Therefore all recitations in dependent claims are "elective,"

“optional,” “preferred,” etc. However, if the Examiner means that the these elements are “not essential” to the scope of the “claim,” there is no case law or rules which say that any of the recitations of these claims do not reduce the scope, and that the Examiner must find each and every element of the claims in order to reject the claims. “Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant’s disclosure.” In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991) (Emphasis Added) See also MPEP 2143:

“To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. In re Royka, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). ‘All words in a claim must be considered in judging the patentability of that claim against the prior art.’ In re Wilson, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970). If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious. In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988).” (Emphasis Added)

The Examiner may not merely ignore the claim recitations without specific authority, and to the extent that the Examiner has sought to denigrate the importance of each and every element of the claims, the Applicant objects.

As to claims 6-7, there is no motivation to provide incentive for giving, except in hindsight of the present invention. There must be a teaching in the references themselves to provide such incentives other than reaching the goal taught by the present invention. The same applies to the additional elements of claim 8, which have not been found within the Kaplan reference.

As to the rejection of claims 3-8 over Kaplan in view of Smith, there is no motivation to combine the references of Kaplan and Smith other than the disclosure of the present invention. Smith is to a method of gambling and providing incentives to give to charity. It

has no bearing on Kaplan. In order to be combined at all, the benefactor of Kaplan would have to be playing a game of chance when he set up the problem and would raise or lower his contribution if he won or lost. This has no bearing whatsoever on the present invention which is giving non-chance incentives to viewers who contribute money.

For at least these reasons, the proposed claims of the present invention are allowable over the art of record.

Amendment After Final

The amendments made herein are deemed necessary to properly respond to the outstanding Final Rejection and are intended to reduce the issues and present claims which are felt to clearly define the instant invention over the prior art. Care has been exercised to insure that no new matter has been introduced, nor have any new issues been raised. It is felt that no inordinate amount of time will be required on the part of the Examiner to review and consider this amendment.

Issues On Appeal

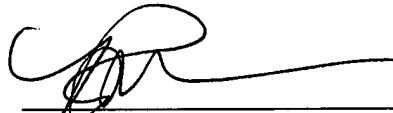
In the event that an appeal is filed, it is requested that this amendment be entered for purposes of appeal.

Summary

Applicants have made a diligent and bona fide effort to answer each and every ground for rejection or objection to the specification including the claims and to place the application in condition for final disposition. Reconsideration and further examination is respectfully requested, and for the foregoing reasons, Applicant respectfully submits that this application is in condition to be passed to issue and such action is earnestly solicited. However, should there remain unresolved issues that require adverse action, it is respectfully requested that the Examiner telephone Robert N. Blackmon, Applicants' Attorney at 703-684-5633 to satisfactorily conclude the prosecution of this application.

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Respectfully submitted,



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